
Clerks of the Circuit Court

June 2018

Petition and Remonstrance

Controlled Projects

- Procedures for Issuing Debt
 - IC 6-1.1-20

- Petition and Remonstrance
 - IC 6-1.1-20-3.1 & IC 6-1.1-20-3.2

- Petition for Public Question (Referendum)
 - IC 6-1.1-20-3.5 & IC 6-1.1-20-3.6

Petition & Remonstrance

Origination

Phase I

Phase II

Origination – Understanding Controlled Projects

Controlled Project means any project of a government financed by bonds or a lease EXCEPT for the following slides.

Controlled Project Exceptions

- Debt is repaid from funds other sources than property taxes
- Project costs less than:
 - The lessor of
 - \$5 million (2018)
 - DLGF will determine after 1-1-19 or
 - Equals
 - 1% of total gross AV if total gross AV is greater than \$100 million
 - \$1 million if total gross AV is less than \$100 million
- Refinancing of projects

Controlled Project Exceptions

- Project was court ordered
- Projects in response to a natural disaster, accident or an emergency
- Project of Little Calumet River Basin Dev Commission payable from spec. assessments
- It was not a controlled project prior to 2008 & debt was issued and approved prior to 2008
- Bonds were issued prior to 1996

Petition & Remonstrance Applies To:

- Controlled Projects for:
 - Any combination of grades K-12
 - Project will not cost more than:
 - The lessor of
 - \$5 million (2018)
 - DLGF will determine after 1-1-19 or
 - Equals
 - 1% of total gross AV if total gross AV is greater than \$1 billion
 - \$10 million if total gross AV is less than \$1 billion

Petition & Remonstrance Applies To:

- Other Controlled Projects for:
 - Project will not cost more than:
 - The lessor of
 - \$15 million (2018)
 - DLGF will determine after 1-1-19 or
 - Equals
 - 1% of total gross AV if total gross AV exceeds \$100 million
 - \$1 million if total gross AV is less than \$100 million

Origination

- A political subdivision decides to impose property taxes to pay debt service on bonds or lease rentals for a controlled project
- Publish notice in accordance with IC 5-3-1
- Send notice of hearing to the Clerk
- Conduct at least two public hearings to adopt a Preliminary Determination to issue bonds or enter into a lease
- Publish notice of Preliminary Determination and send to Clerk

Notice of Preliminary Determination

1. Maximum term of bonds or lease
2. Maximum principal amount
3. Estimated interest rates and total interest
4. Purpose of bonds or lease
5. Statement that owners and registered voters who want to initiate this process must file petition within 30 days of notice publication
6. New and reopened schools – estimated annual operating costs
7. Current debt service levy & rate and estimated increase

Phase I

Petition Forms

- Contact SBOA for current forms
- Voter Registration shall issue to the number of forms requested to owners of property or registered voters
- Each Petition Form must be accompanied by instructions

Phase I Petition and Instructions

201K

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201L



Phase I

The Petition (with all counterparts) must be filed not later than 30 days after publication of the notice by the lesser of:

- 500 persons who are either owners of real property or registered voters, or
- 5% of the registered voters within the political subdivision

In order to go forward into Phase II of the process

Phase I – Counting Signatures

- Voter registration office shall determine whether each person is a registered voter
 - If at least 525 persons have been verified as registered voters:
 - Do not need to verify the rest of remaining signatures
 - Certification from county auditor is not required
 - If 525 were not registered voters, then a copy of the petition is sent to the county auditor not more than 15 business days after receiving petition

Phase I – Counting Signatures

- Not more than 10 business days after receiving petition, the county auditor shall provide verification – Form 201M
- Final determination to be made by the county voter registration office not more than 10 business days after receiving county auditor verification - Form 201N
- File 201N with governing body within 35 business days of receipt

Phase I Verification and Certificate



201M
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201N

Phase II Signature Race

- If sufficient phase I petition certified
- the political subdivision must give notice of the petition and remonstrance process to go forward
 - Publication
 - Mail notice to Clerk

Phase II Notice

Statement that any owners of property within the political subdivision or registered voters residing within the political subdivision who want to petition in favor of or remonstrance against the proposed debt service or lease payments must file petitions and remonstrances **not earlier than 30 days or later than 60 days** after publication of the notice.

Phase II Issuance of Forms

- Forms cannot be issued before the 29th day after publication of the notice
- County voter registration office must provide upon request of an owner or registered voter the number of petition and remonstrance forms requested.
- Each form must be accompanied by instructions

Phase II Forms Used At Issuance

201
201A
201B
201D
201E
201F
201G
201H
201I



Phase II Filing Requirements

- Petitions and Remonstrances must be filed not earlier than 30 days and not later than 60 days after notice publication
- Date of signature may not be before the date on which the petition and remonstrance forms may be issued

Phase II Removal of Signature

201C



Phase II Counting Signatures

- Voter registration office shall determine whether each person is a registered voter
- Provide copy of the petition to county auditor not more than 15 business days after receipt
- Not more than 10 business days after receipt, the county auditor shall provide verification – Form 201J
- Final determination to be made by the county voter registration office not more than 10 business days after receipt of auditor verification - Form 201O

Phase II Certificate

- Voter Registration must certify within 35 business days unless forms exceed 10,000 signatures
- 5 additional days to review and certify per each additional 5,000 signatures
- Maximum time for certification is 60 days

Phase II Verification and Certificate



201J
&
2010

Signatures (IC 6-1.1-20-3.2)

- Minor variations from the name on the voter registration records – signature presumed valid
- Voter Registration shall apply the requirements and procedures in IC 3 to determine whether a person is a registered voter for purposes of voting except as stated in IC 6-1.1-20
- A person may only sign 1 time

Signatures (IC 6-1.1-20-11)

- If validity of signature is uncertain and not guided by this section of law, a reasonable doubt must be resolved in favor of validity
- names as printed or signed containing minor variations from the county records - signature is valid
- Addresses containing minor variations from the county records – signature is valid

Signatures (IC 6-1.1-20-11)

- Substantial variations in name or address make the signature invalid
- Signatures that do not substantially conform with county records are considered invalid. (Substantial conformity requires consideration to be given to whether this may be attributable to age, disability, or impairment of the individual)

Election During The Process

- If a petition or remonstrance is presented within 45 days before an election, the voter registration office may defer acting on the petition or remonstrance
- Time requirements for counting, copying, verification and certificates do not begin to run until 5 days after the date of the election

Other Statutes To Note

IC 6-1.1-20-10 and IC 6-1.1-20-10.1
Restrictions on promoting a position

DLGF

- Approval Required by DLGF if required by:
 - IC 6-1.1-18.5-8
 - IC 20-46-7-8
 - IC 20-46-7-10